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MAILED
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OFFICE OF PETITIONS

In re Application of Astafiev et. al.	:	
Application No. 10/574,093	:	Decision on Petition
Filing Date: November 28, 2007	:	
Attorney Docket No. 25065-33	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 14, 2010, to revive the application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action issued September 17, 2009, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the application became abandoned on December 18, 2009. A Notice of Abandonment was issued March 23, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), the petition includes a reply to the outstanding Office action has been filed in the form of an amendment.

As to item (2), the petition includes the required petition fee of \$1,620.

As to item (3), 37 CFR 1.137(b)(3) requires “a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) [was] unintentional.” To the extent any statement of delay in the petition varies from this exact language, the statement will be construed as the equivalent of the statement above. If the entire delay from the date of abandonment, December 18, 2009, until the date the petition was filed, April 14, 2010, was not unintentional, petitioner must notify the Office.

As to item (4), a terminal disclaimer is not necessary in this case.

The Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 3663 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Steven Brantley at (571) 272-3203 or in his absence to Amy Gandhi at (571) 272-6699.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions